

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

IN RE:

JAMES HODGE, JR.,	)	
SSN: xxx-xx-1522,	)	
KELLY F. HODGE,	)	CASE NO.: 15-80616-CRJ-13
SSN: xxx-xx-0676	)	
	)	
	)	CHAPTER 13
Debtors.	)	
_____	)	
	)	
JAMES HODGE, JR.,	)	
KELLY F. HODGE,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	AP NO.: 15- _____
	)	
GreenTree Servicing,	)	
	)	
Defendant.	)	

**COMPLAINT TO STRIP OFF THIRD MORTGAGE LIEN OF  
GREENTREE SERVICING FROM REAL PROPERTY**

COME NOW the Debtors in the above-styled Chapter 13 case, James Hodge, Jr. and Kelly F. Hodge, and brings their COMPLAINT to STRIP OFF A THIRD MORTGAGE LIEN from their real property located at 104 Bridge Point Circle, Gurley, Alabama, held by the Defendant, GREENTREE SERVICING, and as grounds therefore would show as follows:

1. The Debtors filed a voluntary petition under 11 U.S.C. Chapter 13 on March 9, 2015, asking for relief pursuant to the provisions of the United States Bankruptcy Code. The Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. Section 734.
2. This is a core proceeding pursuant to 28 U.S.C. Sections 157(b)(2)(B) and (I) in that it is a Complaint to Determine the Extent and Validity of a Lien held by the Defendant, GreenTree Servicing (hereinafter "GreenTree").
3. The Debtors own real property located at 104 Bridge Point Circle, Gurley, Alabama that has a fair market value of \$216,700.00. Attached hereto as Exhibit "A" is the

Madison County Tax Assessor Appraisal showing the value of the real property to be \$216,700.00. CitiMortgage holds a first mortgage on the Real Property owned by the Debtor which had a payoff on November 11, 2014 of \$138,400.76. Old Republic (formerly Bank of America) holds a second mortgage on the Real Property owned by the Debtor which had a payoff on March 30, 2015, of \$90,895.25. GreenTree Servicing, successor in interest to GE Money Bank, holds a third mortgage in the current amount of \$23,257.00. The first and second mortgages held by CitiMortgage and Old Republic, exceed the value of the property leaving no equity in the real property to which the third mortgage lien of GreenTree Servicing can attach.

4. The Third Mortgage held by the Defendant, GreenTree Servicing is wholly unsupported by any equity in the real property owned by the Plaintiff. GreeTree's lien should be stripped from their real property in its entirety under Bankruptcy Code §522 (f)(1)(A). Plaintiffs pray that this Court enter an order stripping said lien from the real property at 104 Bridge Point Circle, Gurley, Alabama.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, the Debtors pray that this Court will determine the extent and validity of the lien of GreenTree Servicing and that this Court would enter an ORDER stripping the third mortgage lien held by the Defendant, GreenTree Servicing from their real property located at 104 Bridge Point Circle, Gurley, Alabama.

/s/ Melissa W. Larsen  
MELISSA W. LARSEN  
MELISSA WIMBERLEY LAW, P.C.  
Attorney for Plaintiff  
521 Madison St., Ste. 201  
Huntsville, Alabama 35801  
Phone: (256) 970-4217



# Fran Hamilton

Tax Assessor  
Madison County



## Assessment & Appraisal Link

MADISON COUNTY, AL

Current Date 10/10/2014

Tax Year 2014

### OWNER INFORMATION

**PARCEL** 12-05-22-0-000-043.016 **PPIN** 504097 **TAX DIST** 01  
**NAME** HODGE, JAMES PRESTON JR & KELLY  
**ADDRESS** 104 BRIDGEPOINT CIR  
 GURLEY AL 35748  
**OLD PARCEL** -----  
**ACCOUNT** 116315  
**TAXABLE VALUE** 216700 **ASSESSMENT VALUE** 21680  
**DEED TYPE** 2005 **BOOK** 0310 **PAGE** 0142220  
**PREVIOUS OWNER** CENTRAL DEVELOPMENT INC  
**LAST DEED DATE** 3/ 9/2005

### DESCRIPTION

LOT 3 BLK 4 BRIDGEWATER PHASE TWO  
PB 46 PG 81

### PROPERTY INFORMATION

**PROPERTY ADDRESS** 104 BRIDGEPOINT CIR  
**NEIGHBORHOOD** GRAYNWIN  
**PROPERTY CLASS** 01 **SUB CLASS**  
**SUBDIVISION** 007170 **SUB DESC** BRIDGEWATER PHASE TWO  
**LOT 3 BLOCK 4**  
**SECTION/TOWNSHIP/RANGE** 22-03S-02E  
**LOT DIMENSION** **ZONING**

### PROPERTY VALUES

**LAND:** 30000 **CLASS 1:** **TOTAL ACRES:**  
**BUILDING:** 186700 **CLASS 2:** **TIMBER ACRES:**  
**TOTAL PARCEL VALUE:** 216700 **CLASS 3:** 216700

### DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TC	Hs	Pn	MARKET VALUE	USE VALUE
M	LAND 1	BV	LOT	X	1110-	3	Y	N	30000	
	BLDG 1	R	111	SINGLE FAMILY RESIDENCE	-	3	Y	N	172600	
	BLDG 2	O	24 BKFD	GARAGE, TILE /BRICK, FLO	-	3	Y	N	14100	